

II. In the claims

Please rewrite the following claims.

12. (Twice Amended) A coconut foliar decay virus DNA fragment comprising nucleotides 734 to 785 set forth in SEQ ID NO:1, and nucleotides 941 to 971 of SEQ ID NO:1, but not the translation start for the open reading frame ORF1 set forth as nucleotides 1004 to 1006 of SEQ ID NO:1, wherein the DNA fragment has promoter activity.

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13. (Twice Amended) A coconut foliar decay virus DNA fragment according to claim 12, which additionally does not contain the translation start for the open reading frame ORF2 set forth as nucleotides 1215 to 1217 of SEQ ID NO:1.

14. (Twice Amended) A coconut foliar decay virus DNA fragment according to claim 12, wherein the DNA fragment further comprises nucleotides 655 to 676 and 682 to 701 of SEQ ID NO:1.

15. (Twice Amended) A coconut foliar decay virus DNA fragment according to claim 12, comprising the nucleotides 211 to 991 of SEQ ID NO:1, 409 to 991 of SEQ ID NO:1, 611 to 991 of SEQ ID NO:1 or 711 to 991 of SEQ ID NO:1.

16. (Twice Amended) A DNA fragment, which is a variant of the sequence set forth in SEQ ID NO:1 or fragment thereof wherein the fragment is a modified promoter which does not have an activity 20% more than or 20% less than the promoter activity of nucleotides 211-991 of SEQ ID NO:1.

17. (Twice Amended) A method of expressing a nucleic acid comprising transfecting a cell with one or more DNA fragments according to Claim 26.

18. (Twice Amended) The method of claim 17, wherein the cell is a bacterial, yeast or fungi cell.

*Claim 19*  
19. (Twice Amended) A method of expressing a gene in a plant comprising transfecting one or more DNA fragments according to Claim 26, wherein the expression is tissue specific.

21. (Twice Amended) A method of producing chimeric constructs comprising, operably linking one or more DNA fragments according to Claim 12 to a nucleic acid to be expressed.

*Claim 22*  
22. (Twice Amended) A transgenic plant, part of a plant, transformed plant, yeast or bacterial cell[s] comprising a DNA according to Claim 12.

*Claim 23*  
23. (Twice Amended) A coconut foliar decay virus DNA fragment comprising nucleotides 734 to 785 set forth in SEQ ID NO:1, and nucleotides 941 to 971 of SEQ ID NO:1, but not the translation start for the open reading frame ORF2 set forth as nucleotides 1215 to 1217 of SEQ ID NO:1, wherein the DNA fragment has promoter activity.

*Claim 25*  
25. (Amended) The DNA fragment of claim 12, wherein the DNA fragment further comprises nucleotides 655 to 676 and 682 to 701 of SEQ ID NO:1.

*Claim 26*  
26. (New) The composition of claim 12, further comprising a nucleic acid to be expressed, wherein the nucleic acid is operably linked to the DNA fragment.

Please cancel claims 11 and 24.

### III. REMARKS

Claims 12-25 are pending. Claims 11-25 have been rejected. Applicants appreciate the Examiner's informing them that they are not required to supply a certified copy of the German Priority document. Claims 11 and 24 have been canceled without prejudice.